



EXPRESS MAIL LABEL NO. EG181941145US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Olen W. Bryant, Jr. at al
Serial Number : 10/655,115
Filed : September 4, 2003
Art Unit : 3711
Examiner : Michael S. Chambers

PETITION UNDER 37 CFR 1.137(a)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This a reconsideration request of the dismissal decision mailed November 22, 2005 of the Petition filed November 10, 2005. The present application was held abandoned in a Notice of Abandonment mailed October 18, 2005, a copy of which was included with the initial Petition to Revive dated November 8, 2005. The grounds for abandonment are that Applicants failed to pay the required issue fee and publication fee within the statutory period of three months.

Applicants' attorney never received the Notice of Allowance and Fee(s) Due and first became aware of it when he received the Notice of Abandonment. Upon receiving the Notice, Applicants' attorney immediately reviewed the file jacket and docket record of the present application and noted that a Notice of Allowance had not been received since no such document was in the file jacket and had not been entered on the docket record. A copy of the docket record is enclosed. When a copy of the Notice of Allowance was subsequently received and reviewed, it shows a mailing date of February 4, 2005, so it should have been received later in February, 2005. There was no entry in the docket record and no showing in the file jacket that anything was received in the present application until the Notice of Draftperson's Patent Drawing Review dated October 18, 2005. A response dated October 17, 2005 was made to that filing by Applicants' attorney. The Notice of Abandonment mailed October 18, 2005 was not received until later in October, 2005.

Included with this Petition is a response to the Notice of Allowance and Fee(s) Due mailed February 4, 2005 including a check for \$ 650 for the Issue Fee (1/2 of \$700 or \$350) and the Publication Fee (\$300), the Part B-Fees

Transmittal form, and formal drawings. The Petition Fee of \$250 has been previously submitted.

It is respectfully submitted that the entire delay in filing the required reply to the Notice of Allowance from the date due for the reply to the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable. It is requested that the Petition be granted and the fees and formal drawings submitted herewith be entered in the revived application.

Respectfully submitted,



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Date: 1-4-2006



EXPRESS MAIL LABEL NO. E9181941145US

PATENT DOCKET SHEET

Client: Olen W. Bryant, Jr. et al

Activity to be undertaken: File utility pat appln on Soccer Goal

Filed: September 4, 2003

Serial Number: 10/655,115

Return Postcard: Received stamped and dated

PTO Action or Notice: Notice of Omitted Items in a Nonprovisional Application mailed November 11, 2003

Applicants' Response: Response to Notice of Omitted Items in a Nonprovisional Application dated December 4, 2003

PTO Action or Notice: Office action mailed August 5, 2004

Applicants' Response: Amendment dated November 30, 2004

PTO Action or Notice: Notice of Non-Compliant Amendment mailed December 8, 2004

Applicants' Response: Amendment dated December 16, 2004

PTO Action or Response: Notice of Draftsperson's Patent Drawing Review dated September 6, 2005

Applicants' Response: Amendment dated October 17, 2005

PTO Action or Response: Notice of Abandonment mailed October 18, 2005

Applicants' Response: Called Examiner Chambers who advised that a Notice of Allowance had issued, was not answered and resulted in abandonment. He faxed a copy to CYL. Filed a Petition to Revive dated November 8, 2005.

PTO Action or Response: Decision Dismissing Petition mailed November 22, 2005

Applicants' Response: Petition for Reconsideration along with Part B-Fee(s) Transmittal, checks for \$350 (Issue Fee) and \$300 Publication Fee, and formal drawings